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**OF COUNSEL:
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November 6, 2006

Liane Randolph, Chair
Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, California, 95814

Re: Proposed Amendments to "Public Generally" Exception to the Conflict of
Interest Regulations: Regulations 18707.1 and 18707.10 (Item 10 on
November 14, 2006 Commission Agenda)

Dear Chair Randolph and Commissioners:

I am writing in favor of the proposed amendment to Regulation 18707.1, and new Regulation 18707.10, on behalf of several small cities in San Diego County that are represented by this firm, including Coronado, Del Mar, Lemon Grove, Imperial Beach and Solana Beach. The proposed changes are very beneficial for officials in these cities, who are regularly disqualified from participating in significant matters based on real property interests, in cases where many other property owners in the city are similarly affected.

I have previously written regarding the need for the amendment to Regulation 18707.1 that is being proposed in Decision Point 1, and therefore would like to refer you to my previous correspondence dated August 22, 2005 on that issue. I appreciate the consideration that my letter received from the staff and the Commission, and support Decision Point 1 of the proposed amendment as a solution to the problems that were raised in my letter.

I am also writing in support of the adoption of proposed Regulation 18707.10, which would reinstate a "small jurisdictions" public generally rule. However, I am requesting that the Commission consider a higher threshold than 25,000 for what is considered a "small jurisdiction" for purposes of the proposed Regulation. The previously mentioned small cities that are represented by this firm have the following size and population (according to the 2000 Census): Coronado (7.4 square miles and population of 24,100); Del Mar (2 square miles and population of 4,389); Lemon Grove

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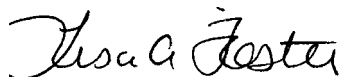
(3.8 square miles and population of 24,918); Imperial Beach (4.4 square miles and population of 26,992); Solana Beach (3.5 square miles and population of 12,979).

As you can see, only two of these five small cities would clearly be covered by proposed Regulation 18707.10. Three of the five cities are very close to the threshold of 25,000, and have probably exceeded that figure since the 2000 Census.¹ All of these cities are geographically small, well under the 10 square miles size threshold in the proposed Regulation, and have officials who would benefit from the Regulation. Because the overall population of the state has grown substantially since the previous "small jurisdictions" Regulation was adopted in 1990, the Commission should consider using a higher threshold than the 25,000 threshold that was used in the 1990 version of the Regulation.

As a final note regarding proposed Regulation 18707.10, I would like to point out that Dr. Powell, the Solana Beach City Councilmember that I wrote to you about in August 2005, would have been able to participate in shoreline policy issues in that city if proposed Regulation 18707.10 had been in place while he was in office. Without such a Regulation, he will be leaving office soon without ever having participated in those vital decisions, which affect most of the residents of Solana Beach. This situation illustrates the need for such a Regulation, and the fact that such a Regulation will assist officials in small cities with the application of the "public generally" rule in cases where the spirit of the rule is clearly met.

Thank you very much for your thoughtful consideration of these issues on behalf of small cities in California.

Sincerely,



Lisa A. Foster

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CC: Bill Lenkeit, Legal Division Senior Counsel

¹ It should also be noted that Coronado has a Navy base, and the arrival of a new carrier to be stationed in Coronado, carrying approximately 6,000 personnel, is anticipated in the near future. Because the military personnel stationed in Coronado are counted as residents by the Census, the arrival of this carrier could increase the population of Coronado by approximately 6,000.